

## REMARKS

Claims 19-22, 26, 33-35 and 39-45 are pending. Claims 19-22, 26, 33-35 and 39-45 are rejected.

Reconsideration in light of the following remarks is respectfully requested.

Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

### **Double Patenting**

Claims 19-22, 26, 33-35 and 39-45 are rejected under the judicial doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 22, 26-27, 30-35, 37-45 of Application No. 09/452,277, which issued on January 9, 2007, as US Patent No. 7,160,678 to Kayyem et al., in view of US Patent No. 5,434,049 to Okano et al.

As a terminal disclaimer directed to US Patent No. 7,160,678 is enclosed herewith, Applicants request withdrawal of this rejection.

### CONCLUSION

Applicants believe the claims are in a condition for allowance. Early notification thereof is respectfully requested. The Examiner is invited to call the undersigned at 415.442.1000 to resolve any questions. Although Applicants do not believe any additional fees are required, the Commissioner is authorized to charge any additional fees that may be required or to credit any overpayment to Deposit Account No. 50-0310 (Docket No. 67456-5005-US).

Respectfully submitted,

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